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EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,562

Applicant(s)

GORDON ET AL.

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-13,19-29,34-39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13,19-29,34-39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Amendment, and remarks therein, received on 3/30/2005 have been entered and carefully considered.
2. The Amendment introduces new claims 42-45 and cancels claims 7-8, 14-18, 26, 30-33, 35-37 and 40.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. Applicant's arguments have been carefully considered but they were not found persuasive.
5. Applicant argues that applicant did not find any teaching of the limitation: "wherein the certificate includes a link to a web site describing the virus scanning performed on the e-mail".
6. Upon visiting the web site (using Internet Archive WayBack Machine) referred by the link the examiner found information describing the virus scanning performed on the e-mail in addition to the AVG Tutor (available on the web site) that provides more information on the software (e.g. *AVG Tech*). The examiner includes a copy of the found Web site pages with the current Office Action for applicant's reference.
7. As per claim 8 (currently incorporated within claims 1, 19, 27 and 34) applicant is not satisfied with Fisher, arguing that Fisher teaches a digital certificate being added to a program, which is not relevant to "adding a digital signature to the e-mail if no viruses are found during a scan".

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8. The examiner points to Fisher (col. 16 lines 12-13) wherein a digital signature is explicitly discussed. The purpose of the digital signature is to "verify that the associated program had not been infected with a virus" (Fisher, col. 16 lines 17-21). In order to complete the connection between these two inventions, the examiner points to the obviousness statement in the previous Office Action, §32.
9. Applicant's arguments in regard to claims 2-3, 5, 21-22, 24, 28 and 29 are not understood since none of these claims refer to a server.
10. As per claim 23 applicant argues that AVG does not teach that "the computer sending the e-mail and the recipient computer are servers located within a computer network".
11. The examiner points out that although AVG does not teach the limitation the examiner took the Official Notice relying on applicant's basic knowledge of computer art. In addition the examiner cited the relevant examples.
12. As per claim argument that AVG does not teach the limitation "wherein the certificate contains only graphical images", the examiner reminds applicant that the examiner took Official Notice and provided examples. Per applicant's request the examiner includes the printed version of one of the examples (*BBBOnLine*) and refers to it in the current Office Action below.
13. Even though applicant does not traverse the examiner's Official Notices, per applicant's request the examiner provides the specific showing of the claimed subject matter. However, the Official Notice is maintained for the claim language

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that address issues known even to one with basic understanding of the art (e.g. sending e-mail from computers connected to the Internet, claim 6).

14. Claims 1-6, 9-13, 19-25, 27-29, 34, 38-39 and 41-45 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-4, 6, 9-10, 19-20, 27, 34, 39, 41 and 44-45 remain rejected under 35 U.S.C. 103(a) for the reasons discussed in the previous action as well as for the reasons stated below as being unpatentable over *AVG (AVG anti-virus)* as evidenced by *AVG Tech*, *AVG 9*, *Suffolk-L* and *Microscopy* in view of *Fisher (U.S. Patent No. 5311591)*.

16. As per claim 1 *AVG* in view of *Fisher* teaches a certificate added to e-mail sent from a computer to a recipient, the certificate identifying the e-mail as being scanned for viruses and certifying that no viruses were found (*AVG 9*). *AVG* certificate includes a web link (<http://www.grisoft.com>), and virus type and version (*Suffolk*). Upon visiting the web site (using Internet Archive WayBack Machine) referred by the link, the examiner found information describing the virus

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scanning performed on the e-mail in addition to the AVG Tutor (available from the web site) providing more information on the software (*e.g. AVG Tech*).

This reads on wherein the certificate includes a link to a web site describing the virus scanning performed on the e-mail by including a type and version of a virus scanner utilized in scanning the e-mail for viruses.

17. AVG in view of *Fisher* does not teach attaching a digital signature.

Fisher teaches attaching a digital signature and teaches a content recipient verifying that no tampering occurred (*Fisher, col. 16 lines 9-23*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to attach a digital signature and verify that content has not been tampered with. One of ordinary skill in the art would have been motivated to perform such a modification in order to verify that no virus infection occurred (*Fisher, col. 16 lines 9-23*).

18. As per claims 10 and 41 implementing a digital signature verification application at the recipient computer to read the digital signature would have been obvious to one of ordinary skill in the art at the time of applicant's invention. One of ordinary skill in the art would have been motivated to perform digital signature verification locally in order to preclude additional transfer of e-mail to minimize chances of tampering with the verification.

19. Claim 9 is implicit. The nature of e-mail is that it is electronic and as a result it is handled by a computer on a sending as well as a receiving site.

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20. Claims 19, 27 and 34 are substantially equivalent to claim 1; therefore claims 19, 27 and 34 are similarly rejected.

21. Claims 2-3 and 45 are implicit as AVG teaches compatibility with MS Outlook clients and Exchange clients (*Avg 9*), and as per claims 4 and 44 AVG checks any outgoing e-mail and its attachments (*Avg 9*).

22. As per claim 20 computers comprise processors.

23. Claims 21-23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over AVG (*AVG anti-virus*) as evidenced by *AVG Tech*, *AVG 9*, *Suffolk-L* and *Microscopy* in view of *Fisher* (*U.S. Patent No. 5311591*) and in view of Official Notice.

24. AVG in view of *Fisher* teaches an e-mail certificate as discussed above.

25. As per claims 21-22 AVG in view of *Fisher* does not explicitly teach that the sending and receiving computers are desktop computers or handheld computers.

Official Notice is taken that it is old and well-known practice to send and receive e-mail from/to desktop computers or handheld computers.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send and receive e-mail from/to desktop computers or handheld computers. One of ordinary skill in the art at the time of applicant's invention would be motivated to send and receive e-mail from/to desktop computers or handheld computers in order to accommodate various types of available computer technologies.

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26. As per claim 23 AVG in view of *Fisher* does not explicitly teach that the computers sending and receiving e-mail are servers located within a computer network. Official Notice is taken that it is old and well-known practice to utilize servers to send and receive e-mail (*Microsoft Exchange, on line e-mail servers etc., e.g. Chen et al. cited below*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize servers to send and receive e-mail. One of ordinary skill in the art at the time of applicant's invention would have been motivated to employ servers to send and receive e-mail to take advantage of multiple benefits of the client server environment in an e-mail environment, for example allowing sender and receiver to communicate while they travel.

27. The limitation: "sending and receiving servers being located within a computer network" is implicit. E-mail is exchanged between entities within a network (*e.g. Internet entities*).

28. As per claim 28 AVG in view of *Fisher* does not explicitly teach that the computer codes (implementing the invention) are stored on a medium selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory or a hard drive.

Official Notice is taken that it is old and well-known practice to use CD-ROM, floppy disk, tape, flash memory, system memory or a hard drive as a medium and one of ordinary skill in the art at the time of applicant's invention would have been

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motivated to employ such a medium given the benefit of inexpensive and proven/reliable technology.

29. As per claim 29 AVG in view of *Fisher* does not explicitly teach cleaning infecting data.

Official Notice is taken that it is old and well-known practice to clean infecting data.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to clean infecting data. One of ordinary skill in art at the time of applicant's invention would have been motivated to clean infected data to prevent computer problems.

30. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over AVG (*AVG anti-virus*) as evidenced by *AVG Tech*, *AVG 9*, *Suffolk-L* and *Microscopy* in view of *Chen et al.* (*U.S. Patent No. 5832208*).

31. AVG teaches e-mail scanned for viruses sent from a computer as explained previously.

32. As per claim 11 AVG in view of *Fisher* does not explicitly teach that the computer is a network server.

33. *Chen et al.* teach the computer that is a server scanning and sending e-mail (*Chen et al., Abstract*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate scanning e-mail at the server as taught by *Chen et al.* One of ordinary skill in the art would have been motivated to perform such a modification

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in order to avoid computer problems and to avoid the necessity of installing anti-virus software on all workstations (*Chen et al.*, col. 4 lines 41-55).

34. As per claims 12 and 13 scanning e-mail for viruses and attaching certificates at the server is implicit.

35. Claims 5 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over AVG (AVG anti-virus) as evidenced by AVG Tech, AVG 9, Suffolk-L and Microscopy in view of Fisher (U.S. Patent No. 5311591) and in further view of ACS (ACS Microcomputer Workshop, "Message management in Outlook for Windows", 1999).

36. AVG in view of Fisher teaches scanning and sending e-mail as discussed above.

AVG in view of Fisher does not explicitly teach the e-mail being scanned automatically when a user sends the e-mail.

37. ACS teaches automatic scanning (default spell check option) when e-mail is sent (*Spell Checking a message*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to scan e-mail automatically when a user sends the e-mail as taught by ACS. One of ordinary skill in the art would have been motivated to perform such a modification in order to take advantage of a main computing strong point: tasks automation.

38. Claims 25 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over AVG (AVG anti-virus) as evidenced by AVG Tech, AVG 9, Suffolk-L and Microscopy in view of Fisher (U.S. Patent No. 5311591) and in further view of Peter Williams "Digital Certificates, Applied Internet Security", 1998, ISBN: 0201309807).

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39. AVG in view of *Fisher* teaches a certificate as discussed above. AVG in view of

Fisher does not teach a certificate containing graphics and text.

40. *Fegghi et al.* teach a certificate containing graphics and text (*Fegghi et al.*, pg. 151

Fig. 5-21).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the certificate containing graphics and text as taught by *Fegghi et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to clearly identify the certificate and provide additional information pertaining to the certificate while limiting space used (text takes less space than graphics).

41. Claims 24 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over AVG (AVG anti-virus) as evidenced by *AVG Tech*, *AVG 9*, *Suffolk-L* and *Microscopy* in view of *Fisher* (U.S. Patent No. 5311591) and in further view of *BBBOnLine* as evidenced by *Findarticles.com*, and *Alarm*.

42. AVG in view of *Fisher* teaches the certificate as discussed above.

AVG in view of *Fisher* does not teach that the certificate contains only graphical images and that it includes a company logo.

43. *Findarticles.com* teach including a company logo in the graphical image of the certificate, and the teaching is illustrated by *Alarm*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a company log in the certificate. One of ordinary skill in the art

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would have been motivated to perform such a modification in order to allow a viewer a quick recognition of the certifying party.

Conclusion

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure:

Spear (U.S. Patent No. 6611925),

Kim et al., (U.S. Patent No. 6701440).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-

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3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature
6/2/05
Date


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